



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/697,454	10/30/2003	Richard W. Newman	281-317	7977		
88750	7590	03/24/2010	EXAMINER			
HISCOCK & BARCLAY, LLP ONE PARK PLACE, 300 S. STATE ST. SYRACUSE, NY 13202				THOMAS, BRANDI N		
ART UNIT		PAPER NUMBER				
2873						
MAIL DATE		DELIVERY MODE				
03/24/2010		PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Change of Inventorship Request***

1. The request for the deletion of an inventor in this nonprovisional application under 37 CFR 1.48(b) is deficient because:

On 2/26/09 applicant filed a rule 1.48(b) petition to delete co-inventor Corinn C. Fahrenkrug due to the amendment/cancellation of claims. The petition was granted with the allowance on 5/28/09 and inventor Corinn C. Fahrenkrug was deleted.

An RCE was filed on 8/28/09 and the case was again allowed on 10/06/09.

On 12/23/09, a request to withdraw the prior request regarding inventorship was filed. It was indicated that the previous request to delete an inventor was in error and should have instead filed in another application.

Since the previous petition of 2/26/09 was reviewed and granted, the present request to withdraw the previous petition is *DENIED* since as of 12/23/09, the application names one sole inventor.

Although we have a declaration signed by two inventors, a proper and timely filed petition under 37 CFR 1.48(a) is necessary to change the inventorship back to two co-inventors. Since a change of inventorship is considered an "amendment" after Notice of Allowance pursuant to MPEP 714.16 and since the issue fee has been paid, a grantable petition to withdraw from issue must be filed before any 1.48(a) petition may be considered.

Any inquiry concerning this communication should be directed to RICKY L. MACK at telephone number (571)272-2333.

Ricky L. Mack  
SPE  
Art Unit 2873

/Ricky L. Mack/

Supervisory Patent Examiner, Art Unit 2873